



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 30 2006

Honorable Lisa P. Jackson
Commissioner
New Jersey Department of Environmental Protection
P.O. Box 402
Trenton, New Jersey 08625-0402

Dear Commissioner Jackson:

I am looking forward to our first quarterly meeting on April 7, 2006. While I anticipate that we will discuss a wide range of issues, there is one that I feel important to raise to your attention in advance.

As you are aware, addressing discharges from Combined Sewer Overflows (CSOs) is a national EPA priority. Our respective staffs are currently working to develop a CSO Strategy that includes a schedule for developing and issuing permits requiring implementation of Long Term Control Plans. While we have made progress in this regard, a comprehensive approval would enhance our joint planning and oversight of this priority area.

As we proceed, even without a fully agreed upon strategy, combined sewer system permittees have submitted various interim Combined Sewer System General Permit deliverables to the New Jersey Department of Environmental Protection (NJDEP) and NJDEP reports that all permittees are currently in compliance with the General Permit requirements.

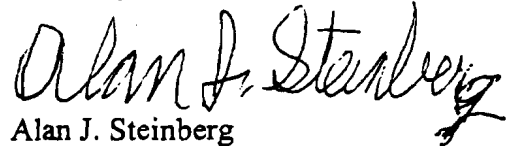
The next and most critical milestone of the General Permit will be the February 1, 2007 deadline for permittees to submit Cost and Performance Analysis Reports for CSO operation. It is critical to EPA that compliance with this date is closely monitored and that non-compliance be appropriately remedied in order to ensure that the alternatives have been identified for implementation of the Total Maximum Daily Limits in the NY/NJ Harbor, the Passaic River, and the Delaware River. Due to the critical nature of this milestone, the February 1, 2007 date should not be extended without consulting with EPA to assure that extensions are addressed in an enforcement action.

Any enforcement action issued to address violations of this milestone must include appropriate penalties and injunctive relief that will require compliance with the deliverables specified in the permit as well as an implementation schedule for the applicable option that incorporates appropriate NJDEP approval requirements and timeframes. In the event that permittees do not comply with the February 1, 2007 submission date, EPA desires to enter into a work share agreement with NJDEP such that

EPA will itself, or jointly with DEP, take prompt enforcement action directly against a portion of the non-complying permittees.

On April 7, 2006, I would like to further discuss this issue with you. If you have questions on this matter prior to our meeting please call me at (212) 637-5000, or have your staff contact Douglas McKenna, Chief, Water Compliance Branch, at (212) 637-4244. I look forward to our next meeting and an effective cooperative relationship with DEP as we work to assure compliance with this important National Priority.

Sincerely,

A handwritten signature in black ink, reading "Alan J. Steinberg". The signature is written in a cursive, flowing style. The first name "Alan" is written in a larger, more prominent script, followed by "J." and "Steinberg". The signature is positioned above the printed name and title.

Alan J. Steinberg
Regional Administrator